

SEARCHED INDEXED SERVED FILED  
MAR 08 2004

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY

BEYOND SYSTEMS, INC.  
11160 Veirs Mill Road, Suite L15-1000  
Wheaton, Maryland 20902

Plaintiff

v.

KEYNETICS, INC.  
915 West Jefferson Street  
Boise, Idaho 83702

Serve:

David G. Kujawski  
915 West Jefferson Street  
Boise, Idaho 83702

and

JOHN DOE  
915 West Jefferson Street  
Boise, Idaho 83702

Defendants

COMPLAINT

Plaintiff, Beyond Systems, Inc., through counsel, Stephen H. Ring, P.C., sues Defendants, Keynetics, Inc. and John Doe, and states as follows:

1. Plaintiff is a corporation formed under the laws of the state of Maryland, maintaining its principal offices in Montgomery County. Plaintiff is an interactive computer service provider.
2. Defendant Keynetics, Inc. is a corporation formed under the laws of the state of Idaho, maintaining its principal offices in Boise, Idaho and conducting business on a regular basis in Montgomery County, Maryland.
3. Defendant John Doe is one or more persons, including individuals and business

entities, conducting business on a regular basis in Montgomery County, Maryland.

4. Subject matter jurisdiction exists under CJ §1-501. Personal jurisdiction exists under CJ §6-103. Venue is proper under CJ §§6-201 and -202.

The Conduct

5. On hundreds of occasions during 2002 and 2003, Defendants initiated, conspired to initiate, and assisted in the initiation of commercial electronic mail messages to recipients in Maryland, including Plaintiff. These commercial e-mail messages advertised property, goods or services for sale or lease, and resulted in sales and the delivery of goods and/or services into Maryland. Defendants derived substantial revenue as a result of these e-mail messages to recipients in Maryland. By this conduct, Defendants solicited sales and conducted business in Maryland on a regular basis, engaged in a persistent course of conduct in Maryland, and availed themselves of the protection of the laws of this State.

6. Defendants planned, prepared, designed, executed, approved, modified, condoned and ratified the sending of the electronic mail referenced above and the resulting sales. Defendants paid others for services related to the transmissions, and received payment from advertisers and others for Defendants' services related to the transmissions. Defendants, either directly or indirectly, caused products and services to be sold and/or delivered as a result of the transmissions. Defendants tracked the results of the transmissions and all related services and sales. All of these activities generated records that identify the participants in these activities, and the related times, dates, quantities and payment amounts.

7. All of the conduct alleged above was performed either directly by Defendants or by persons acting as their agents. Defendants participated in all of the events alleged herein, and

aided, abetted, assisted, ratified, condoned and approved each others' actions, and acted as agents for each other. All persons who participated in the events alleged above acted as agents for Defendants.

The Violations

8. Defendants violated § 14-3002 of the Commercial Law Article of the Annotated Code of Maryland (the "Statute") by initiating, conspiring to initiate, and assisting in the initiation of the transmission to Plaintiff of commercial electronic mail that had one or more of the following characteristics:

- i) used a third party's Internet domain name or electronic mail address without that third party's permission;
- ii) contained false or misleading information about the origin or the transmission path; or;
- iii) contained false or misleading information in the subject line.

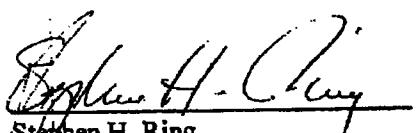
The false or misleading information in the electronic mail messages had the capacity, tendency, or effect of deceiving the recipient.

9. Plaintiff received hundreds of commercial electronic mail messages from Defendants in violation of the Statute. Each such commercial electronic mail message was a distinct and separate violation of the Statute.

10. As a recipient of the commercial electronic mail described above, under § 14-3003(1) Plaintiff is entitled to the greater of \$500 per violation of the Statute or actual damages. As an interactive computer service provider, under § 14-3003(3) Plaintiff is entitled to the greater of \$1000 per violation of the Statute or actual damages. Plaintiff seeks statutory damages and not actual damages.

Wherefore, Plaintiff seeks judgment against Defendants, jointly and severally, in excess of \$100,000 and pre-judgment interest, attorney's fees, costs and such other and further relief as the Court deems appropriate.

STEPHEN H. RING, P.C., by

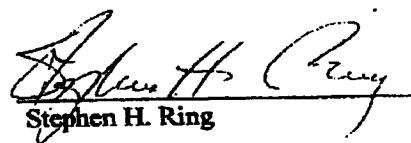


Stephen H. Ring  
316 East Diamond Avenue, Suite 102  
Gaithersburg, Maryland 20877  
MD Bar Id. No. 04731764  
Telephone: 301-990-4840

Attorney for Plaintiff

Jury Demand

Plaintiff requests a trial by jury.

  
Stephen H. Ring

Circuit Court for _____ City or County _____			
<b>CIVIL-NON-DOMESTIC CASE INFORMATION REPORT</b>			
<b>Directions:</b> <i>Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.</i> <i>Defendant: You must file an Information Report as required by Rule 2-323(h).</i> <b>THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.</b>			
FORM FILED BY:	<input type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT    CASE NUMBER: <u>248426V</u> <small>(Click to insert)</small>		
CASE NAME: _____			
JURY DEMAND:	<input type="checkbox"/> Yes <input type="checkbox"/> No    Anticipated length of trial: _____ hours or _____ days		
RELATED CASE PENDING?	<input type="checkbox"/> Yes <input type="checkbox"/> No    If yes, Case #(s), if known: _____		
Special Requirements? <input type="checkbox"/> Interpreter/communication impairment    Which language _____ <small>(Attach Form I-332 if Accommodation or Interpreter Needed)</small> Which dialect _____ <input type="checkbox"/> ADA accommodation: _____			
<b>NATURE OF ACTION</b> <small>(Check one box)</small>			
<b>TORTS</b> <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other <hr/>	<b>LABOR</b> <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other	<b>A. TORTS</b> <b>Actual Damages</b> <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> Medical Bills <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$ _____ <input type="checkbox"/> \$50,000 - \$100,000 <input type="checkbox"/> Property Damages <input type="checkbox"/> Over \$100,000 <input type="checkbox"/> _____ <input type="checkbox"/> Wage Loss <small>\$ _____</small>	
	<b>CONTRACTS</b> <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other	<b>B. CONTRACTS</b> <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other	<b>C. NONMONETARY</b> <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____
		<b>REAL PROPERTY</b> <input type="checkbox"/> Other	<input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000
			<b>OTHER</b> <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other
<b>ALTERNATIVE DISPUTE RESOLUTION INFORMATION</b>			
Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)			
A. Mediation	<input type="checkbox"/> Yes <input type="checkbox"/> No	C. Settlement Conference <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. Arbitration	<input type="checkbox"/> Yes <input type="checkbox"/> No	D. Neutral Evaluation <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>TRACK REQUEST</b>			
With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.			
<input type="checkbox"/> ½ day of trial or less <input type="checkbox"/> 3 days of trial time <input type="checkbox"/> 1 day of trial time <input type="checkbox"/> More than 3 days of trial time <input type="checkbox"/> 2 days of trial time			
PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY.			
Date _____	Signature _____		



Molly Q. Ruhl  
Clerk of the Circuit Court for Montgomery County, Maryland  
50 Maryland Avenue  
Rockville, Maryland 20850-2397  
December 30, 2003

MAR 03 2004

PJM 04 CV 686

RE: Notice of New Case Number for  
BEYOND SYSTEMS INC vs KEYNETICS INC, ET AL  
Reference Case#: N/A  
Case Type: VIOLATION & CONTRAVENTION COMMERCIAL LAW

Dear Sir/Madam:

Please be advised that the above referenced case was received on December 29, 2003, in the office of the Clerk for Montgomery County. This matter has been assigned case number 248426-V. Please include this case number on all future papers to be filed in this case.

Sincerely,

*Molly Q. Ruhl*  
Clerk of the Circuit Court  
for Montgomery County,  
Maryland

KEYNETICS INC  
DAVID G KUJAWSKI  
915 WEST JEFFERSON ST  
BOISE ID 83702